

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VALLEY NATIONAL GAS, INC.,

Plaintiff,

Case No. 07-11675

v.

Honorable John Corbett O'Meara

MICHAEL B. MARIHUGH,

Defendant.

ORDER AWARDING ATTORNEYS' FEES AND COSTS

This matter came before the court on Plaintiff's October 22, 2007 Petition for Attorneys' Fees and Costs. Defendant's counsel filed a response November 15, 2007; and Plaintiff filed a reply November 20, 2007.

BACKGROUND FACTS

Plaintiff Valley National Gas filed a complaint against defendant Michael B. Marihugh on April 13, 2007, alleging that Defendant had breached the parties' non-compete agreement. Three days later Plaintiff filed a motion for temporary restraining order. At the motion hearing the court was inclined to grant the motion; however, the court was persuaded by Defendant's counsel's argument "that there is a fact question here with regard to whether or not this was a constructive discharge . . . and that, therefore, the restrictions in the contract, the noncompete contract, might not apply." Hrg. tr. April 26, 2007 at 25.

At the subsequent hearing on Plaintiff's motion for preliminary injunction; however, the court concluded not only that there was no issue regarding whether there was a constructive discharge, but also that Defendant and his counsel had reason to know that when they opposed Plaintiff's

motion for temporary restraining order. As a result, this court, in addition to granting Plaintiff's motion for temporary restraining order, found that Plaintiff was entitled to an award of "reasonable attorney fees and costs associated with pursuing the preliminary injunction." Hrg. tr. September 20, 2007 at 6.

In this petition, Plaintiff correctly construed the court's ruling to mean that Plaintiff is entitled to fees and costs incurred between April 26, 2007, the date of the hearing on Plaintiff's motion for temporary restraining order, to September 20, 2007, the date of the hearing on Plaintiff's motion for preliminary injunction. Plaintiff submitted this petition requesting \$156,861.37 in attorneys' fees and costs.

The court finds that the amount requested is reasonable given the complexity of the issues involved, the results obtained, the experienced legal team Plaintiff assembled, the time involved, and the substantial sums that Plaintiff was forced to incur.

For these reasons, it is hereby **ORDERED** that plaintiff Valley National Gas's Petition for Attorneys' Fees and Costs is **GRANTED** in its entirety.

s/John Corbett O'Meara
United States District Judge

Date: June 5, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 5, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager